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SUBJECT: TRINIDAD AND TOBAGO -- 2009 TIP REPORT: PRESS
GUIDANCE AND DEMARCHE

REF: (A) STATE 59732 (B) STATE 005577

¶1. This is an action cable; see paras 5 through 7 and 10.

¶2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

¶3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Trinidad and Tobago of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Trinidad and Tobago and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

¶4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

¶5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Trinidad and Tobago of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

¶6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Trinidad and Tobago's country narrative in the 2009 TIP Report:

Trinidad and Tobago (TIER 2)

Trinidad and Tobago is a destination and transit country for women and children trafficked for the purpose of commercial sexual exploitation. In some instances, women and girls from Colombia, Venezuela, Guyana, Suriname, and the Dominican Republic have been identified as trafficking victims in Trinidadian brothels and casinos. Last year the government identified five Colombian victims in the country; neighboring governments in Venezuela, Guyana, and Suriname identified additional victims. Foreign victims, including women who voluntarily enter the country to engage in prostitution, may subsequently be trafficked after being deceived by unscrupulous recruiters about the true nature and conditions of their employment. Additional reporting suggests that men from China and Guyana may be trafficked to Trinidad and Tobago for labor exploitation in construction and other sectors. Trinidad and Tobago also is a transit point to Caribbean destinations such as Barbados and the Netherlands Antilles for traffickers and their victims.

The Government of Trinidad and Tobago does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, senior Trinidadian officials publicly condemned human trafficking, noting that the country is a destination point for trafficked persons. The government worked closely with IOM and other Caribbean governments to draft model anti-trafficking laws for the region, and to develop standards for victim repatriation and care. The government also increased anti-trafficking training for law enforcement, and collaborated with IOM on additional awareness-raising measures. However, vigorous government efforts to investigate and prosecute trafficking crimes under existing laws remained lacking, and adequate victim services were extremely limited.

Recommendations for Trinidad and Tobago: Enact legislation to prohibit all forms of human trafficking; increase efforts to investigate and prosecute trafficking offenses, and to convict and sentence trafficking offenders; increase victim services and protection efforts, particularly for foreign victims; develop formal procedures to identify trafficking victims among vulnerable populations; continue to increase anti-trafficking training and efforts to raise public awareness.

Prosecution

The Government of Trinidad and Tobago demonstrated some progress in anti-trafficking law enforcement efforts over the last year. While Trinidad and Tobago has no specific laws prohibiting human trafficking, trafficking offenders could be prosecuted under trafficking-related offenses such as kidnapping, rape, or procuring a person for prostitution. Penalties for such crimes range from 15 years, to life imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. Last year the government worked closely with IOM and neighboring countries to draft model anti-trafficking

legislation for the Caribbean, and engaged experts from the Canadian High Commission to assist with writing an anti-trafficking law for Trinidad and Tobago. During the reporting period, the government achieved no prosecutions, convictions, or sentences of trafficking offenders. In past years, Trinidadian law enforcement have utilized proactive strategies such as brothel raids to enforce anti-prostitution laws and prosecute the owners of such establishments, though formal procedures to identify trafficking victims during such operations are not typically utilized. In partnership with IOM, the government provided anti-trafficking training to more than 1,500 law enforcement officers last year, and published reference guides for immigration and police personnel. No allegations of trafficking-related corruption were reported.

Protection

The Trinidadian government made limited efforts to assist trafficking victims during the reporting period, relying on international organizations and NGOs to provide care and services for identified victims. The government encouraged crime victims, including trafficking victims, to assist with the investigation and prosecution of offenders, and provided interpreters for non-English speaking complainants. Foreign victims were not eligible to receive government-provided services such as medical assistance, counseling, or legal assistance with filing a complaint. Moreover, the government did not employ formal procedures for identifying victims of sex or labor trafficking among vulnerable populations, such as prostituted women in brothels or foreign migrant workers. The government did not provide foreign trafficking victims with legal alternatives to removal to countries where they may face hardship or retribution; most foreign victims were detained and deported without being identified as trafficking victims. However, the government recently instituted a protocol where identified foreign trafficking victims are maintained in NGO safe houses until authorities in the victim's home country can be contacted to assist with travel documents and repatriation. In January 2009, government immigration officials met with Colombian counterparts to discuss procedures for identifying and sheltering Colombian trafficking victims found in Trinidad and Tobago, and as well as their safe return to Colombia; the workshop occurred due to a 2007 brothel raid in which more than 70 Colombian nationals, some of whom were believed to be trafficking victims, were detained and deported for being in Trinidad and Tobago illegally.

Prevention

In collaboration with international and local NGOs, the government increased its efforts to educate the public about the dangers of trafficking. Senior government officials condemned human trafficking publicly, and emphasized the need to protect victims. During 2008, law enforcement officers and an IOM expert on investigating and prosecuting sexual offenses conducted several raids of brothels where foreign women engage in prostitution, thus addressing demand for commercial sex acts by arresting and prosecuting clients.⁸

The ILO and the government distributed informational brochures on regional child labor and protection concerns such as slavery, debt bondage, child drug trafficking, prostitution, and trafficking children in the Caribbean. The government also enacted laws to keep children in school, and raised the working age from 14 to 16 as measures to prevent child labor. No additional efforts to reduce demand for adult forced labor were reported.

⁸9. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 13. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as

Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or though the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1. Why is Trinidad and Tobago (Trinidad and Tobago) included in the Report this year? Why was it given a ranking of Tier 2 Watch List?

¶1A. Trinidad and Tobago was placed on the TIP Report because there is evidence that it is a country of origin, transit, or destination for victims of severe forms of trafficking. The Government of Trinidad and Tobago does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, senior Trinidadian officials publicly condemned human trafficking, noting that the country is a destination point for trafficked persons. The government worked closely with IOM and other Caribbean governments to draft model anti-trafficking laws for the region, and to develop standards for victim repatriation and care. The government also increased anti-trafficking training for law enforcement, and collaborated with IOM on additional awareness-raising measures. However, vigorous government efforts to investigate and prosecute trafficking crimes under existing laws remained lacking, and adequate victim services were extremely limited.

Q2. What is the nature of the trafficking problem in Trinidad and Tobago?

¶1A. Trinidad and Tobago is a destination and transit country for women and children trafficked for the purpose of

commercial sexual exploitation. In some instances, women and girls from Colombia, Venezuela, Guyana, Suriname, and the Dominican Republic have been identified as trafficking victims in Trinidadian brothels and casinos. Last year the government identified five Colombian victims in the country; neighboring governments in Venezuela, Guyana, and Suriname identified additional victims. Foreign victims, including women who voluntarily enter the country to engage in prostitution, may subsequently be trafficked after being deceived by unscrupulous recruiters about the true nature and conditions of their employment. Additional reporting suggests that men from China and Guyana may be trafficked to Trinidad and Tobago for labor exploitation in construction and other sectors. Trinidad and Tobago also is a transit point to Caribbean destinations such as Barbados and the Netherlands Antilles for traffickers and their victims.

Q3. How can Trinidad and Tobago show progress in its anti-trafficking efforts?

¶1A. The government could enact legislation to prohibit all forms of human trafficking; increase efforts to investigate and prosecute trafficking offenses, and to convict and sentence trafficking offenders; increase victim services and protection efforts, particularly for foreign victims; develop formal procedures to identify trafficking victims among potential trafficking populations; continue to increase anti-trafficking training and efforts to raise public awareness.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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